

REGULAR MEETING

October 9, 2000

The Regular Meeting of the Annapolis City Council was held on October 9, 2000 in the Council Chamber. Mayor Johnson called the meeting to order at 7:30 p.m.

Present on Roll Call: Mayor Johnson, Aldermen Hammond, Tolliver, Gilmer, Sachs, McMillan, Carter, Fox, Moyer

Staff Present: Assistant City Attorney Ruff, Director of Planning & Zoning Arason

Alderman Carter moved to adopt the agenda as presented. Seconded. CARRIED on voice vote.

Alderman Gilmer moved to approve the Minutes of: September 11, 2000 Special, September 11, 2000 Closed, September 11, 2000, September 25, 2000 Special, September 25, 2000 Closed, September 25, 2000. Seconded. CARRIED on voice vote.

PETITIONS, REPORTS AND COMMUNICATIONS

C Mayor Johnson proclaimed October 16, 2000 National Philanthropy Day

1. Arthur Kungle, Jr.
Box 365
Annapolis, MD 21404

Spoke regarding his special concerns

2. Robert H. Eades
O'Bery Court College Creek Council
144 O'Bery Court
Annapolis, MD 21401

Spoke against O'Bery College Creek Housing

3. Louise Beauregard Meyers
Christian Services USA
Washington, D.C. Veterans Affairs, Volunteer
2 Maryland Avenue
Annapolis, MD 21401

Spoke in favor of Economic Development

4. Sveinn C. Storm
Owner, Storm Bros. Ice Cream Factory
President's Hill Civic Association
19 Hill Street
Annapolis, MD 21401

Spoke in favor of Traffic Lights (President's Hill)

5. G. H. Walker
711 Melrose Street
Annapolis, MD 21401

Spoke regarding R-35-00

6. Bill Townsend
Parent/Volunteer Annapolis High School
270 King George Street

Annapolis, MD 21401

Spoke requesting Waiver of Police Overtime Fee for Annapolis High School Parade (11/03/00)

7. Jason Townsend
Student Annapolis High School
270 King George Street
Annapolis, MD 21401

Spoke in favor of Waiver of Police Overtime Fee for Annapolis High School Parade

8. Brian Smith
Representing Annapolis High School
907 Marine Drive
Annapolis, MD 21401

Spoke in favor of Waiver of Police Overtime Fee for Annapolis High School Parade

9. Julie Stankivic
Spa Cove Community Association
906 Primrose Road, Apt. 204
Annapolis, MD 21403

Spoke in favor of R-20-00

10. Chuck Ferrar
Owner, Bay Ridge Wine & Spirits
213 Jones Road
Chester, MD 21619

Spoke against R-34-00

11. Lance Kasten
General Manager, Phillips Annapolis Harbor
12 Dock Street
Annapolis, MD 21401

Spoke against O-22-00

12. Jeff Holland
Celebrate 350, Annap. & A.A. County
507 Edgemere Drive
Annapolis, MD 21403

Spoke regarding Celebrate 350

LEGISLATIVE ACTION

ORDINANCES

- O-49-99** For the purpose of authorizing the Second Amendment to Lease dated 1/1/95 as modified by an Amendment to Lease dated November 13, 1997 with Eastport Seafood Company and Eastport LLC for certain municipal property known as the McNasby's Property, located at 723 Second Street in the City of Annapolis; and all matters relating to said Second Amendment to Lease.

There being no voice objection O-49-99 was postponed.

O-22-00 For the purpose of authorizing the City Council to lease certain municipal property and to provide City services to First Night Annapolis, Inc. ("FNA"), from 8:00 a.m. December 28 to 3:00 p.m. January 1 each year for a period of five years ending January 1, 2005, for the purpose of conducting a New Year's Eve celebration subject to the terms, provisions and conditions contained in a Rental and Permit Agreement; approving the provision of City services to FNA for less than full costs; for the further purpose of approving the Rental and Permit Agreement and authorizing the Mayor to sign said Agreement; and all matters relating to said lease.

Alderman Sachs moved to adopt O-22-00 on second reading. Seconded.

The Finance Committee reported favorably on O-22-00.

The Economic Matters Committee reported favorably with amendments on O-22-00.

Alderman Fox moved to amend O-22-00 with the lease attached as follows:

No. 1

On Page 1, amend lines 19 and 20 to read as follows:

December 30, 2000 to 3:00 p.m. January 1, 2001, for the purpose of conducting a New Year's Eve Event

No. 2

On Page 1, amend line 24 and 25 to read as follows:

Authorizing the Mayor to sign said Agreement; waiving the payment of full fees for City services; and all matters relating to said lease.

No. 3

On Page 2, amend lines 7 and 8 to read as follows:

Attached hereto and made a part hereof, for the period of December 30, 2000 at 8:00 a.m. to January 1, 2001 at 3:00 p.m., automatically renewable for four consecutive periods of December 30, 2000 to January 1, 2001 is hereby approved

No. 4

On Page 2, amend line 14 to add the following:

Section II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL that the full fees requirement of City Code §6.04.210 pertaining to the payment of full fees for City services is hereby waived pursuant to the Agreement.

No. 5

On Page 2 amend line 15 to replace "Section II" with "Section III."

Seconded. CARRIED on voice vote.

Alderman Moyer moved to adopt amendments by the Economic Matters Committee. Seconded.

Following discussion, Alderman Moyer withdrew her motion to adopt amendments by the Economic Matters Committee.

The meeting recessed at 9:08 p.m. and reconvened at 9:14 p.m.

Alderman Sachs moved to amend the amendment as follows:

On page 1, line 19 delete December 28, insert December 29; and, on page 2, line 7 delete December 28, insert December 29

Seconded. A ROLL CALL vote was taken:

YEAS: Aldermen Sachs, Carter, Fox, Moyer
NAYS: Mayor Johnson, Aldermen Hammond, Tolliver, Gilmer,
McMillan

DEFEATED: 5-4

Alderman Fox moved to adopt O-22-00 as amended on second reading. Seconded. CARRIED on voice vote.

The main motion CARRIED on voice vote.

Alderman Hammond moved to adopt O-22-00 Amended on third reading. Seconded. CARRIED on voice vote.

O-25-00 For the purpose of approving the application of Anne Arundel Health System, Inc. to amend the zoning classification of a portion of Lot 1115, tax map 4z, generally located between South Street and Charles Street in the City of Annapolis; to reclassify a .113 acre portion of this parcel from C1, Conservation Residence District to P, Professional Office; and matters generally relating to said zoning map amendment.

Alderman Hammond moved to adopt O-25-00 on second reading. Seconded.

The Planning Commission reported favorably on O-25-00.

The Rules Committee reported favorably on O-25-00 with amendments.

Alderman Hammond moved to amend O-25-00 as follows:

On Page 1, line 35 add: "September 25, 2000".

On page 2, lines 2 thru 10, strike "Findings" 1 and 2 as follows:

1. ~~The rezoning of the property is in conformance with the laws of the State of Maryland and the City of Annapolis, and~~
2. ~~Reclassification of the .113 acre parcel from C1, Conservation Residence District to P, Professional Office District, is in conformance with the Annapolis City Comprehensive Plan, surrounding land uses and zoning districts. The City's Department of Planning and Zoning and the Planning and Zoning Commission, have recommended the designation of P, Professional Office for the property, as being in the~~

~~public interest.~~

No. 2

On Page 2, line 2, under "Findings" add the following:

1. The entire Anne Arundel Medical Center (AAMC) property with the exception of this small area is zoned P, Professional Office District. The subject parcel which the applicant is seeking to rezone is zoned C1, Conservation Residence District. The rezoning of this parcel would integrate the 4899 square feet into the remainder of the site's zoning designation.

2. The rezoning request is based upon a mistake in the original zoning boundary line location.

3. The rezoning of the property is in conformance with the laws of the State of Maryland and the City of Annapolis and, as required under Section 21.84.060. B of the Annapolis City Code, the City Council finds the following:

Population Change: The 1993 Annapolis Ward One Sector Study evaluated demographics in Ward One. The population of the City increased approximately 7 percent from 1970 to 1990. In Ward One, over the same time period, the population of the City declined 20 percent and the Ward One share of the City's total population declined by approximately 5 percent over the same time period. Statistics from the 2000 census are not yet available.

Availability of Public Facilities: Water and sewer service, as well as fire and police protection are currently provided for this site. Any changes to these services, as impacted by the proposed redevelopment of the site will be evaluated during the special exception process that the proposed plan for redevelopment must undergo.

Present and Future Transportation Patterns: Changes to the existing transportation pattern would occur if the site is redeveloped as proposed. A preliminary traffic impact study has been prepared in conjunction with the special exception application for redevelopment of the AAMC site as a residential planned development. It indicates that if the site were redeveloped for residential use, the number of trips generated during both AM and PM peak commuter hours and AM and PM peak hours for the medical center would decline significantly. The decline in the trip generation rate ranges from a minimum decrease of 39 percent for the PM peak commuter hour to a maximum of 65 percent for the PM peak commuter hour.

Compatibility with Existing and Proposed Development for the Area: Under the existing C1, Conservation Residence District, the portion of the parking lot which is the subject of this application is a non-conforming use. The remainder of the parking lot which is zoned P, Professional Office District is an existing special exception, as an accessory use to the adjacent health and medical use. The proposed zoning reclassification would render the current use of the parcel, as a portion of the parking lot for the adjacent AAMC, conforming.

The applicants have submitted for approval of a planned residential development for the entire AAMC site which includes the portion of the site which is the subject of this request for a zoning reclassification. The entire AAMC property, with the exception of this small parcel, is zoned P, Professional Office District. Under the P zoning, a residential planned development is allowed as a special exception. The rezoning of this parcel would integrate the 4899 square feet into the remainder of the site's zoning designation. The

applicant would then be able to proceed with a special exception process to establish a residential planned development on the entire site.

Recommendation of the Planning Commission:

3. Existing uses of property within the general area of the property in question: The subject property is a small portion of a surface parking lot which is itself a part of a much larger complex which is occupied by the AAMC. The medical center and its associated parking garage are located to the northwest of the parking lot. To the north is the Anne Arundel Circuit Court complex and other office uses. To the southwest, southeast and northeast of the parking lot are residential areas of Ward One and Acton Cove.
4. The zoning classification of property within the general area of the property in question: The AAMC complex with the exception of the subject property is zoned P, Professional Office District. This is also the zoning classification of the Courthouse and most of the other office uses adjacent to it. The surrounding residential areas are zoned either C1, Conservation Residence District or C1A, Special Conservation Residence District.
5. The suitability of the property in question to the uses permitted under the existing zoning classification: The small irregularly shaped piece of a land for which rezoning is sought is not a separate lot, but part of a larger parcel which is utilized as a parking lot. It has no street frontage. Its configuration renders it not usable under its current zoning classification.
6. The trend of development, if any, in the general area of the property in question, including changes if any, which have taken place in its present zoning classification: The property is located, as are all the surrounding properties, in the Annapolis Historic District. Development opportunities have been limited with the exception of the expansion of the Courthouse. This will, of course change dramatically with the relocation of the AAMC in 2001. The larger complex of which the subject property is a small portion will then be redeveloped. No changes have occurred in the present zoning classification, C1, of the property.
7. Minimum Size of Parcel. A lot, lots or parcel of land shall not qualify for a zoning amendment unless it possesses two hundred feet of frontage or contains twenty-five thousand square feet of area, or adjoins a lot, lots or parcel of land which bears the same zoning district classification as the proposed zoning amendment. The subject parcel is adjacent to property which is zoned P, Professional Office District. This is the zoning which is requested for the property.
8. The adoption of the amendment is in the public interest and is not solely for the interest of the applicant. This piece of property is a portion of a parcel that is currently utilized by the AAMC for a surface parking lot for the adjacent medical center. The AAMC is relocating from its downtown location to the Carl A. Brunetto Medical Park on Jennifer Road. One of the policies mandated by the 1998 Annapolis Comprehensive Plan established that the City should: "Take an active role in the Hospital Site Reuse Committee to (1) ensure that residents of Annapolis continue to have access to medical services after the Anne Arundel Medical Center consolidates at the Jennifer

Road site and (2) identify an appropriate reuse for the downtown campus."

In furtherance of this goal, the City has been actively involved in the entire process undertaken for redevelopment of the AAMC site. For a period of two years from the time it announced its intended relocation (now scheduled for late 2001) representatives from the AAMC met with government representatives and community groups to establish a set of criteria for the redevelopment of the site. In January 1999 the AAMC prepared a Request for Proposal ("RFP") for the re-use of the downtown AAMC site. The RFP process resulted in the selection of Madison Homes (Annapolis MVK Joint Venture, LLC) as the developer for the project. An application for a planned residential development has been submitted to the City. The developer, Madison Homes, is working closely with the city officials and community participants in the preparation of its proposal for development of the site and has participated in work sessions before the Planning Commission, Board of Appeals and Historic Preservation Commission. In order to proceed with public hearings on the redevelopment of the site, a correction of the mistake in the zoning boundary location is necessary.

The entire AAMC property with the exception of this small parcel is zoned P, Professional Office District. Under the P zoning, a residential planned development is allowed as a special exception. The subject parcel, which the applicant is seeking to rezone, is zoned C1, Conservation Residence District. The rezoning of this parcel would integrate the 4899 square feet into the remainder of the site's zoning designation and promote the most effective site design.

Relationship of the Proposed Amendment to the City's Plan: The 1998 Annapolis Comprehensive Plan (Plan) recognized that the subdivision and zoning regulations needed a comprehensive revision. This would include a streamlining of the regulations, as well as necessary changes to make the regulations consistent with the policies and goals established by the Plan. One of the goals of the Plan was city government participation and facilitation of appropriate redevelopment of the AAMC site. In order to proceed with the redevelopment of the site, a correction of the mistake in the zoning boundary location is necessary, in order to promote the most effective site design.

The City Council concludes, therefore, that a mistake in the location of the original zoning boundary line, that is the existing zoning classification has occurred, and that the application for the zoning amendment and reclassification of the .113 acre parcel from C1, Conservation Residence District to P, Professional Office District should be granted.

SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL that the application of Anne Arundel Health System, Inc. to designate the zoning classification of P, Professional Office District for a portion of parcel 1115, tax map 4z, be approved and hereby granted, subject to all the requirements of Chapter 21 of the Code of the City of Annapolis.

SECTION II: AND, BE IT FURTHER ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL that the P, Professional Office District is hereby approved, for the .113 acre property adjoining existing P, Professional Office District zoned property, as shown on the Anne Arundel Health System, Inc. Rezoning Maps, topographic maps, Scale 1" = 200', and property tax maps, Scale 1" = 40', dated September 25, 2000, copies of which are attached hereto and incorporated herein by reference. True copies of the Zoning Maps as adopted by this ordinance shall be maintained permanently in the Department of Planning and Zoning."

Seconded. CARRIED on voice vote.

Alderman Hammond moved to adopt O-25-00 as amended on second reading. Seconded. CARRIED on voice vote.

Alderman Hammond moved to adopt O-25-00 Amended on third reading. Seconded. CARRIED on voice vote.

O-27-00 For the purpose of authorizing the lease of a portion of the building located on certain City property known as 25 Silopanna Road to the Chesapeake Children's Museum, Inc., a nonprofit organization, for the purpose of locating the Children's Museum therein; authorizing the Mayor to sign the Lease Agreement attached hereto; to the extent necessary, waiving the requirements of Section 6.04.210.B. of the City Code; and all matters relating to said lease.

Alderman Sachs moved to adopt O-27-00 on second reading. Seconded. CARRIED on voice vote.

The Finance Committee reported favorably on O-27-00 with Lease B attached.

The Economic Matters Committee reported favorably on O-27-00 with Lease B attached.

The meeting recessed at 9:46 p.m. and reconvened at 9:52 p.m.

Alderman Fox moved to amend O-27-00 attachment Lease B as follows:

On page 2, add item 3. Rent:

All improvements to the leased premises performed by lessee as in-kind rental payments shall become the property of the city; and

On page 4, amend item 12 as follows:

Removal of Improvements PERSONAL PROPERTY: At the end of Lessee's tenancy Lessee shall promptly remove, at its own expense, any and all personal property owned by Lessee, including but not limited to structures or improvements that Lessee has caused to be erected or has used and maintained upon the Leased Space or the premises. Any improvements which are PERSONAL PROPERTY not removed by Lessee at the end of the Lease shall become the property of Lessor. Upon removing improvements at the end of the Lease, Lessee shall return the Premises to its original condition.

On page 5, amend item 21 as follows:

~~Waiver of Section 6.040.210 of the City Code. Section 6.04.210B of the City Code requires that a person pay full fees for the use of a City facility. Section 6.04.210 D provides that this requirement may be waived under certain circumstances. This Agreement falls within the permissible exceptions to Section 6.040210B of the City Code. AUTHORIZATION: This Lease Agreement is authorized by Ordinance O-27-00. which Ordinance waives the requirement of the payment of full fees.~~

Seconded. CARRIED on voice vote.

Alderman Fox moved to amend O-27-00 as follows:

No. 1

Page 1, Line 20, add a semicolon after the word "Museum". Strike lines 21 and 22

No. 2

Page 2, strike Section II, lines 20 through 23

No. 3

Page 2, line 25 make "Section III", "Section II"

No. 4

Page 2, line 29 make "Section IV", "Section III"

Seconded. CARRIED on voice vote.

Alderman Fox moved to adopt O-27-00 as amended with amended Lease B attached on second reading. Seconded. CARRIED on voice vote.

Alderman Fox moved to adopt O-27-00 Amended with Lease B Amended on third reading. Seconded. CARRIED on voice vote.

O-26-00 For the purpose of conveying, by deed, the City's rights, title and interest in the property known as 805 and 807 West Street and 808 Spa Road in the City of Annapolis, to HS West, LLC; providing for the property to be sold at private sale; and all matters relating to said deed.

Alderman Sachs moved to adopt O-26-00 on first reading. Seconded. CARRIED on voice vote.

Referred to the Planning Commission and Rules Committee

O-28-00 For the purpose of authorizing the City Council to lease certain municipal property located in the general harbor and Dock Street area of the City and a portion of the City's Edgewood Road property to United States Yacht Shows, Inc. and Annapolis Boat Shows, Inc., bodies corporate, for a certain period of time in October 2004 and October 2005, subject to certain terms, provisions, and conditions, for the purpose of conducting boat shows; and all matters relating to said lease.

Alderman Moyer moved to adopt O-28-00 on first reading. Seconded. CARRIED on voice vote.

Referred to the Finance Committee and Economic Matters Committee

O-29-00 For the purpose of authorizing the lease of a portion of the building located on certain City property known as 25 Market Space to the Big Cheese, Inc.; authorizing the Mayor to sign the Lease Agreement attached hereto; and all matters relating to said lease.

Alderman Sachs moved to adopt O-29-00 on first reading. Seconded. CARRIED on voice vote.

Referred to the Finance Committee and Economic Matters Committee

- R-34-00** For the purpose of requesting that the City of Annapolis Alcoholic Beverage Control Board (the "ABCB")reconsider the necessity of its mandate that holders of Class A licenses require all purchasers of alcohol to display identification as proof of age before allowing the sale; and all matters relating to the rules and regulations of Section 3.05c of the ABCB.

Alderman Moyer moved to adopt R-34-00 on first reading. Seconded. CARRIED on voice vote.

- R-35-00** For the purpose of directing the Director of Central Services to investigate the purchase of .575 acres of property located on Taylor Avenue in the City of Annapolis; and all matters relating to said purchase.

Alderman Sachs moved to adopt R-35-00 on first reading. Seconded. CARRIED on voice vote.

Referred to the Finance Office for a fiscal impact note and Planning & Zoning

Public Hearing to be scheduled before seconding reading of R-35-00

- R-36-00** For the purpose of adopting guidelines for waiving the provisions of § 6.04.210 of the City Code which require payment of full fees for the use of City facilities and services; and all matters relating to said waivers.

Alderman Hammond moved to adopt R-36-00 on first reading. Seconded. CARRIED on voice vote.

Referred to the Finance Committee and the Economic Matters Committee

- R-37-00** For the purpose of requesting that the State's Attorney seek, and the Judges of Anne Arundel County impose, mandatory drug counseling on all those persons convicted of a drug related offense which involves the possession of a controlled dangerous substance within the corporate limits of the City of Annapolis; and all matters relating to the imposition of said mandatory drug counseling.

Alderman Hammond moved to adopt R-37-00 on first reading. Seconded. CARRIED on voice vote.

- R-38-00** For the purpose of approving the job description for the civil service position in the Department of Public Works; establishing the pay grade for said job description; and all matters relating to said job description and pay grades.

Alderman Gilmer moved to adopt R-38-00 on first reading. Seconded. CARRIED on voice vote.

BUSINESS AND MISCELLANEOUS

1. Finance Committee Recommendations for Action dated September 21, 2000

Alderman Sachs moved to adopt the Finance Committee Recommendations for Action dated September 21, 2000. Seconded. CARRIED on voice vote.

2. Alderman Sachs moved to receive Civil Service Board Recommendations dated September 27, 2000. Seconded. CARRIED on voice vote.

3. Payment of Monthly Bills

Alderman Sachs moved to pay the monthly bills. Seconded. CARRIED on voice vote.

4. Appointments

Alderman Gilmer moved to approve the Mayor's appointments of the following individuals:

Board of Appeals Kimberly Noel
Maritime Advisory Board Richard O. Franke

Seconded. CARRIED on voice vote.

Upon motion duly made, seconded and adopted, the meeting was adjourned at 10:24 p.m.

Deborah Heinbuch, CMC/AE
City Clerk